

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 7, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-31595 - APPLICANT/OWNER: DIBELLA LIVING TRUST

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. A gate shall be provided on Pahor Drive that meets approval by the Department of Fire and Rescue. The gate shall be closed and secured between the hours of 7:00 p.m. to 6:00 a.m.
2. The landscaping along Pahor Drive will be twice the density of the City's normal standards.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 10/30/08, except as amended by conditions herein.
5. A Waiver from Title 19.12.040(A) is hereby approved to allow a four-foot wide landscape buffer along the west property line where eight feet is required.
6. A Waiver from Title 19.12.040(A) is hereby approved to allow a five-foot wide landscape buffer along a portion of the east property line where eight feet is required.
7. A Waiver from Title 19.08.050(D)(2) is hereby approved, to allow the building to be offset from the front and corner side setback.
8. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: Provide a minimum of one, 24-inch box shade tree and four, five-gallon shrubs per parking lot landscape island in accordance with the requirements of Title 19.10.010(J)(11); The landscape plan shall be revised to reflect palm tree heights of 15 feet minimum within required landscape buffers.

9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
10. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
13. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
14. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. Submit a Reversionary Map for this site or coordinate with the City Surveyor to determine an acceptable mapping method; comply with the recommendations of the City Surveyor.
17. Dedicate an additional 10 feet of right-of-way for a total radius of 25 feet on the southwest corner of Charleston Boulevard and Pahor Drive prior to the issuance of any permits.
18. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

19. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
20. Landscape and maintain all unimproved rights-of-way, if any, on Charleston Boulevard and Pahor Drive adjacent to this site.
21. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard public right-of-way adjacent to this site prior to the issuance of any permits.
22. Submit an Encroachment Agreement for all landscaping, if any, located in the Pahor Drive public right-of-way adjacent to this site prior to occupancy of this site.
23. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the driveway accessing this site from Charleston Boulevard.
24. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the ITS Communication Infrastructure Phase 1B project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
25. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
26. Meet with the Flood Control Section of the Department of Public Works for assistance

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 5,105 square-foot Retail Development with Waivers of the Building Placement and Orientation Standards and the Landscape Buffering Standards, to allow a five-foot landscape buffer along a portion of the east perimeter and to allow a four-foot landscape buffer along the west perimeter where eight feet is required on 0.76 acres at the southwest corner of Charleston Boulevard and Pahor Drive.

In addition to this application, the applicant has submitted a request for a General Plan Amendment (GPA-29565) to amend a portion of the Southeast Sector Plan of the General Plan from O (Office) to SC (Service Commercial) and a Rezoning (ZON-29566) of 0.55 acres from R-1 (Single Family Residential) and P-R (Professional Office and Parking) to C-1 (Limited Commercial). The proposed General Plan Amendment (GPA-29565) and Rezoning (ZON-29566) are inconsistent with the surrounding land uses and single-family residences to the south of the subject property. Additionally, the Waivers requested indicate the proposed development is too intense for the subject location; therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/16/64	The Board of City Commissioners denied a request to Reclassify property (Z-0037-63) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) at the southwest corner of West Charleston Boulevard and Pahor Drive. The Planning Commission recommended approval of this request.
01/20/65	The Board of City Commissioners denied a request to Reclassify property (Z-0092-64) generally located on the south side of West Charleston Boulevard between Rancho Road and Pahor Drive from R-E (Residence Estates) to C-1 (Limited Commercial). The Planning Commission recommended denial of this request.
07/03/74	The Board of City Commissioners approved a request to Reclassify property (Z-0022-74) generally located on the south side of Charleston Boulevard between Pahor Drive and Rancho Road from R-E (Residence Estates) to C-1 (Limited Commercial) and R-1 (Single Family Residential). The Planning Commission recommended approval of this request.
09/05/84	The City Council approved a request to Reclassify property (Z-0058-84) from R-1 (Single Family Residential) to C-1 (Limited Commercial), located at 2021 West Charleston Boulevard for a proposed Floral Shop. The Planning Commission recommended and staff recommended approval of this request.

12/07/88	The City Council approved a request to Reclassify property (Z-0115-88) from R-1 (Single Family Residential) to C-1 (Limited Commercial) located at the west side of Pahor Drive, south of Charleston Boulevard for a proposed Office and Storage Facility for a Floral Shop. The Planning Commission and staff recommended approval of this request.
02/23/89	The Board of Zoning Adjustments approved a request for a Variance (V-0009-89) to allow storage for an existing flower shop on the adjoining property to the north (1106 Pahor Drive), where commercial storage is not permitted. Staff recommended denial of this request.
11/07/02	The Planning Commission approved a request for a Site Development Plan Review (SDR-1014) and a reduction of the on-site perimeter landscape requirements for a proposed restaurant at 7185 West Charleston Boulevard. Staff recommended approval of this request.
10/09/08	The Planning Commission approved a request to hold in Abeyance a request for Rezoning (ZON-29566) from R-1 (Single Family Residential) and P-R (Professional Office and Parking) to C-1 (Limited Commercial) and a General Plan Amendment (GPA-29565) to amend a portion of the Southeast Sector Plan of the General Plan from O (Office) to SC (Service Commercial) to allow the applicant time to prepare an associated Site Development Plan Review application.
12/04/08	The Planning Commission recommended approval of companion items GPA-29565 and ZON-29566 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #17/dc).
<i>Related Building Permits/Business Licenses</i>	
01/01/51	A business license (F04-00065) was issued for a florist at 2021 West Charleston Boulevard. The license is still active.
09/26/90	A building permit (#90083963) was issued for an illuminated pylon sign at 2021 West Charleston Boulevard. The project was completed on 11/27/90.
01/23/96	A business license (N06-00318) was issued for an administrative office at 1106 Pahor Drive. The license is still active.
01/26/96	A business license (L33-00039) was issued for lawn maintenance at 2021 West Charleston Boulevard. The license is still active.
12/17/04	A business license (M18-03076) was issued to a consulting firm at 2021 West Charleston Boulevard. The license was discontinued on 11/02/06.
<i>Pre-Application Meeting</i>	
08/06/08	A pre-application meeting was held with the applicant to discuss Title 19 and Rezoning submittal requirements.

<i>Neighborhood Meeting</i>	
09/09/08	<p>A neighborhood meeting was held on Tuesday, September 9, 2008 at 6:00 p.m. at Las Vegas Lodge #1468 located at 4100 West Charleston Boulevard, Las Vegas, Nevada 89102. The applicant gave a brief description of the proposed change in land use designation, rezoning and future plans for the site. Members of the public had the following questions and concerns relative to the applications:</p> <ul style="list-style-type: none"> • Residents had concerns about the height of the structure to be built on the site. The applicant responded that the proposed building will be no more than two stories in height, and that a Site Development Plan Review (SDR) application will be filed once the General Plan Amendment and Zoning applications are approved. • Residents requested clarification about the boundaries of the proposed land use change and rezoning. The applicant confirmed that the applications pertain solely to the parcels where the current business/structures are located. • Concerns were expressed that the applicant would “flip” the property upon receiving entitlements. • Concerns were expressed about commercial traffic on Pahor Drive. The applicant explained that the principal access to the property was from Charleston Boulevard, and the driveway on Pahor Drive was only to be used by his own delivery trucks.
<i>Field Check</i>	
09/02/08	A field check of the subject area was performed, where it is noted that the overall appearance of the business was neat and clean.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.78

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Flower Shop	O (Office)	C-1 (Limited Commercial)
North	Hospital and Medical Offices	UMC (Las Vegas Medical District)	PD (Planned Development)
South	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Office	O (Office)	C-1 (Limited Commercial)
	Parking	O (Office)	R-1 (Single Family Residential)
West	Convalescent Homes	O (Office)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		
Rancho Charleston Land Use Study	X		N*
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
A-O Airport Overlay District (200 feet)	X		Y**
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* The proposed Rezoning (ZON-29566) to C-1 (Limited Commercial) and General Plan Amendment (GPA-29565) from O (Office) to SC (Service Commercial) is not in conformance with the land use goals and strategies identified within the Rancho Charleston Land Use Study.

** The subject site is within the 200-foot contour limitation and does not exceed the height limitations, and is therefore in compliance with the Airport Overlay District.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	32,981 SF	N/A
Min. Lot Width	100 Feet	132 Feet	Y
Min. Setbacks			
• Front	20 Feet	44 Feet	Y
• Side	10 Feet	57 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	20 Feet	33 Feet	Y
Max. Lot Coverage	50%	20.74%	Y
Max. Building Height	N/A	15 Feet	Y
Trash Enclosure	Screened, Enclosed	Screened, Enclosed	Y
Mech. Equipment	Screened	Not Indicated	N*

* The elevations submitted do not indicate if any rooftop mechanical equipment will be located on the roof. A condition has been added requiring all rooftop mechanical equipment, if any, to be screened in views from the abutting streets.

Pursuant to Title 19.08.060, the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Building Height	15 Feet	15 Feet	Y
Trash Enclosure	50 Feet	51 Feet	Y

Pursuant to Title 19.12, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/6 Spaces	6 Trees	0 Trees	N*
Buffer:				
Min. Trees (North, South & East Perimeters)	1 Tree/20 Linear Feet	29 Trees	29 Trees	Y
(West Perimeter)	1 Tree/30 Linear Feet	7 Trees	7 Trees	Y
TOTAL			36 Trees	N*
Min. Zone Width (Adj. to R.O.W.) (All other areas)	15 Feet 8 Feet		15 Feet 4 Feet	Y N**
Wall Height	6-8 Feet		6 Feet	Y

* The landscape plans submitted do not indicate trees provided within the parking lot landscape islands. A condition has been added requiring the applicant to provide trees within the parking lot landscape islands in accordance with Title 19.10.010(J)(11).

** The applicant has requested a Waiver to allow a five-foot landscape buffer along a portion of the east perimeter and to allow a four-foot landscape buffer along the west perimeter.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Personal Service	5,105 SF	1 / 250 SF	20	1	29	2	
TOTAL			21		31		Y
Loading Spaces			1		1		Y

Waivers		
Request	Requirement	Staff Recommendation
To allow a five-foot landscape buffer along a portion of the east perimeter	Eight-foot landscape buffer	Denial
To allow a four-foot landscape buffer along the west perimeter	Eight-foot landscape buffer	Denial
To allow the building to be setback from the corner side and front setback line	Buildings on corner lots should be oriented toward the corner and to the street fronts	Denial

ANALYSIS

- **Land Use and Zoning**

The subject site is located within the Southeast Sector of the General Plan with a land use designation of O (Office). A proposed General Plan Amendment (GPA-29565), if approved, would allow a SC (Service Commercial) land use designation. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

There is a request for a Rezoning (ZON-29566) from R-1 (Single Family Residential) and P-R (Professional Office and Parking) to C-1 (Limited Commercial). The C-1 (Limited Commercial) district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

With approval of the proposed Rezoning (ZON-29566) to the C-1 (Limited Commercial) zoning district, the proposed General Personal Service use associated with this development will be permissible.

- **Site Plan**

The site is located at the southwest corner of Charleston Boulevard and Pahor Drive. The site plan indicates a proposed single-story, 5,105 square-foot building will be located on the property, setback approximately 44 feet from Charleston Boulevard. The applicant has requested a Waiver of the Building Placement and Orientation Standards to allow the building to be setback from the street frontage in order to meet the parking requirements of Title 19.04.010. The applicant is providing 31 total parking spaces where 21 are required; 29 standard and two handicapped van-accessible parking spaces will be provided on site, in addition to one loading zone per Title 19.10.020 standards. Parking will be provided along the western perimeter of the site, along the north face of the proposed building and along a portion of the east perimeter of the parcel.

Access to the site will be provided from one 32-foot wide driveway fronting Charleston Boulevard and one 24-foot driveway fronting Pahor Drive. The proposed driveway accessing Pahor Drive will be the only commercial driveway in the vicinity accessing a residential street. The commercial traffic which will be generated by this use will have a negative impact on the single-family homes to the south, which currently utilize Pahor Drive as the only means of ingress/egress to the existing neighborhood.

- **Landscape Plan**

The landscape plan submitted depicts a 15-foot landscape buffer along Charleston Boulevard and Pahor Drive and an eight-foot landscape buffer along the south perimeter. The applicant has requested a Waiver to allow a five-foot landscape buffer along a portion of the east perimeter adjacent to an existing single-family home and a four-foot landscape buffer along the west perimeter adjacent to an existing commercial property. The requested Waivers have not been justified as the applicant provides 10 parking spaces in excess of Title 19.04 requirements; a revised site design could accommodate the requirements set forth by Title 19.

Landscape material has been provided within the buffer zones which meet the requirements of Title 19.12, by providing a total of 36 trees where 36 trees are required. The plans indicate the plant material will consist of 24-inch box Phoenix Date Palms, with no height specified. Title 19.12.040 requires the minimum height of palms within the landscape buffers to be 15 feet in height. A condition has been added requiring the applicant to provide minimum 15-foot high palm trees within the landscape buffers. A total of 185 five-gallon shrubs will be provided on site; however, staff notes that the species indicated on the landscape plan are typically slow growing low shrubs, which will not provide a solid buffer or screen.

The applicant has provided a 24-inch tall landscape berm fronting Charleston Boulevard and Pahor Drive, which conforms to the required Title 19.10 parking lot screening requirements. Parking lot landscape islands have also been provided on the site; however, no shade trees that are required by Title 19.10 have been provided within the islands. A condition has been added requiring the applicant to provide a minimum of one, 24-inch box shade tree per parking lot landscape island in conformance with the requirements of Title 19.10.010(J)(11).

- **Elevations**

The provided elevations for the proposed building indicate a single-story 15-foot high building. The building meets the requirements of Title 19.08.060 Residential Adjacency Standards, which limits commercial buildings adjacent to residential properties to measure 15 feet in height or less, or be setback from residential property at a three to one ratio. The elevations depict a stucco building with stone veneer accents placed as pilasters along each of the four façades of the building and at the roofline level. Decorative tile elements will be placed in the stucco façades along the north, east and west sides of the building. Storefront glass windows will be located along the north elevation only, with no other windows provided on the exterior of the building.

In addition, the elevations indicate that a single access door and a double doorway will be provided on both the north and south facades. Box lighting will be provided above the two doors located on the south face of the building, which must be directed away from or screened from the adjacent single-family home. No indication is made if any rooftop mechanical equipment will be provided on the building. A condition has been added requiring all rooftop mechanical equipment, if any, to be screened in views from the abutting streets.

- **Floor Plan**

The floor plan for the proposed building depicts a display area, display box area, an office and storage room, a sales counter, preparation area, walk-in cooler, break room and rest rooms. A customer entrance and private entrance will be provided on the north side of the building and a delivery and dispatch and employee entrance will be provided along the south side of the building.

FINDINGS

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with adjacent development and development in the area as the applicant is seeking a zoning designation and land use designation which is too intense for the surrounding area. The proposed access onto Pahor Drive will negatively impact the existing single-family residences to the south, as Pahor serves as the only means of ingress/egress to the residential cul-de-sac.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

With the approval of the associated request for a General Plan Amendment (GPA-29565) to the SC (Service Commercial) General Plan designation for the site, the proposed development will become the only SC (Service Commercial) property within the surrounding area. Additionally, the applicant has requested multiple Waivers of Title 19, including the Building Placement Standard and the Landscape Buffer Standards.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The site provides access to Charleston Boulevard, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways, which will provide adequate access to the site. Additionally, access is gained from Pahor Drive, a 51-foot Local Street which provides the only means of ingress and egress to Charleston Boulevard for the existing single-family homes to the south of the subject property. By choosing to provide access to Pahor Drive, this proposal will negatively impact the quality of life for the existing single-family residences.

- 4. Building and landscape materials are appropriate for the area and for the City;**

The building materials are appropriate for the area and for the City. The landscape material chosen for the site will do little to provide shade, screening and buffering as the applicant has specified palm trees to be provided within the landscape buffers. The shrubs chosen, while drought tolerant, are typically slow growing low shrubs which will not provide a solid buffer or screen.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The building elevations and design characteristics proposed are not overly decorative and are minimal in nature. The building, in its simplest form, is a large box with stone veneer accents and tiles for visual interest. While not architecturally captivating or inspiring, the building will not be undesirable or obnoxious to the surrounding area.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed plan will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 and 2 as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 10

SENATE DISTRICT 9

NOTICES MAILED 86 by City Clerk

APPROVALS 1

PROTESTS 0